

SCHEDULE 1

(introduced by section 2)

RELEVANT PROPOSALS

Closure

- 1 (1) A proposal to permanently—
 - (a) discontinue a school, or
 - (b) discontinue—
 - (i) all the nursery classes in a school, or
 - (ii) a stage of education in a school (apart from a nursery class).
- (2) A proposal to permanently—
 - (a) discontinue the provision of Gaelic medium education in all the nursery classes in a school that also provides a nursery class through English medium education, or
 - (b) discontinue the provision of Gaelic medium education in a stage of education (apart from a nursery class) in a school that also provides the stage of education through English medium education.
- (3) A proposal to permanently—
 - (a) discontinue the provision of English medium education in all the nursery classes in a school that also provides a nursery class through Gaelic medium education, or
 - (b) discontinue the provision of English medium education in a stage of education (apart from a nursery class) in a school that also provides the stage of education through Gaelic medium education.
- (4) For the purpose of this paragraph a proposal to make arrangements of the sort mentioned in sub-paragraph (5) (however described) is to be regarded as a proposal to discontinue (as the case may be)—
 - (a) the school,
 - (b) all the nursery classes in the school,
 - (c) a stage of education in the school (apart from a nursery class), or
 - (d) the provision of Gaelic or English medium education in all the nursery classes or a stage of education (apart from a nursery class) in the school.
- (5) The arrangements are such arrangements in respect of the school or a stage of education in the school as would (if they were implemented) result, or be likely to result, in the permanent discontinuation of (as the case may be)—
 - (a) the school,
 - (b) all the nursery classes in the school,
 - (c) a stage of education in the school (apart from a nursery class), or
 - (d) the provision of Gaelic or English medium education in all the nursery classes or a stage of education (apart from a nursery class) in the school.
- (6) If a proposal—
 - (a) by virtue of sub-paragraph (4) falls within this paragraph, and
 - (b) also falls within another paragraph of this schedule except paragraph 10,the proposal is to be regarded as falling within this paragraph only.

Status: This is the original version (as it was originally enacted).

Establishment

- 2 A proposal to establish—
- (a) a new school, or
 - (b) a new stage of education in a school.

Relocation

- 3 A proposal to relocate (in whole or in part) a school or nursery class.

Admission arrangements

- 4 A proposal to vary any admission arrangements for a school including—
- (a) a proposal to establish, terminate or otherwise alter the catchment area of a school, and
 - (b) a proposal to make or modify guidelines in respect of the handling of placing requests.

Transfer from primary to secondary school

- 5 A proposal to vary the arrangements for the transfer of pupils from a primary school to a secondary school.

Primary school commencement date

- 6 A proposal to change the school commencement date of a primary school.

Special class outwith a special school

- 7 A proposal to vary arrangements for the constitution of a special class in a school other than a special school.

Transport to denominational school

- 8 A proposal to discontinue arrangements for the provision of transport by the education authority for pupils attending a denominational school.

Changing from denominational to non-denominational school

- 9 A proposal to change a denominational school into a non-denominational school.

Discontinuance of a further education centre

- 10 (1) A proposal to discontinue a further education centre which is managed by the education authority.
- (2) For the purpose of this paragraph, a “further education centre” is an institution for the provision of further education.
- (3) But it does not include a centre wholly or mainly for the provision of social, cultural and recreational activities (or any of such activities) or a centre for provision of courses of education in the evening only.

Meaning of expressions used in this schedule

- 11 (1) In this Act, a reference to any school that is affected by a proposal is to—
- (a) every school which the proposal directly concerns, and
 - (b) any other school which would be significantly affected in consequence of the proposal (if implemented).
- (2) So (for example) an affected school is—
- (a) a school which it is proposed be discontinued,
 - (b) a school to which the education authority proposes to transfer some or all of the pupils of a discontinued school,
 - (c) a school in respect of which it is proposed to alter the catchment area (including where that is the result of the discontinuance of another school),
 - (d) a school from which it is proposed to transfer pupils as a result of the establishment of a new school.
- (3) But a school is not an affected school solely because it would be likely to become the subject of placing requests as a consequence of the implementation of a proposal.
- 12 For the purposes of this schedule and schedule 2—
- “catchment area” has the meaning given in section 28A(3D) of the 1980 Act,
“denominational school” is a school of a type referred to in section 21 of the 1980 Act,
“English medium education” means teaching by means of the English language,
“Gaelic medium education” means teaching by means of the Gaelic language (as spoken in Scotland),
“nursery class”, “primary education”, secondary education” and “further education” are to be construed in accordance with section 135(1) and (2) of the 1980 Act,
“primary school” and “secondary school” are schools where primary and secondary education respectively are provided (whether or not exclusively),
“school commencement date” has the meaning given in section 32(1) of the 1980 Act,
“special school” has the meaning given in section 29(1) of the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4) and “special class” is a class of the kind described there,
“stage of education” means—
- (a) a yearly stage of—
 - (i) primary education, or
 - (ii) secondary education,
 - (b) a nursery class in a school, or
 - (c) a special class in a school which is not itself a special school.

Status: This is the original version (as it was originally enacted).

SCHEDULE 2

(introduced by section 2)

RELEVANT CONSULTEES

Closure

- 1 In relation to a proposal specified in paragraph 1 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
 - (b) the parents of the pupils at any affected school,
 - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
 - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
 - (e) the staff (teaching and other) at any affected school,
 - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
 - (g) the community council (if any),
 - (h) any body which has been established by a local authority, whether formally or informally, for the purpose of assisting it in carrying out its functions under Part 2 of the Local Government in Scotland Act 2003 (asp 1),
 - (i) any other education authority that the education authority considers relevant,
 - (j) any other users of any affected school that the education authority considers relevant.

Establishment

- 2 In relation to a proposal specified in paragraph 2 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
 - (b) the parents of the pupils at any affected school,
 - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
 - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
 - (e) the staff (teaching and other) at any affected school,
 - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
 - (g) the community council (if any),
 - (h) any body which has been established by a local authority, whether formally or informally, for the purpose of assisting it in carrying out its functions under Part 2 of the Local Government in Scotland Act 2003,
 - (i) any other education authority that the education authority considers relevant,
 - (j) any other users of any affected school that the education authority considers relevant.

Relocation

- 3 In relation to a proposal specified in paragraph 3 of schedule 1, the consultees are—

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- (a) the Parent Council or Combined Parent Council of any affected school,
- (b) the parents of the pupils at any affected school,
- (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
- (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
- (e) the staff (teaching and other) at any affected school,
- (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
- (g) the community council (if any),
- (h) any body which has been established by a local authority, whether formally or informally, for the purpose of assisting it in carrying out its functions under Part 2 of the Local Government in Scotland Act 2003,
- (i) any other education authority that the education authority considers relevant,
- (j) any other users of any affected school that the education authority considers relevant.

Admission arrangements

- 4 In relation to a proposal specified in paragraph 4 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
 - (b) the parents of the pupils at any affected school,
 - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
 - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
 - (e) the staff (teaching and other) at any affected school,
 - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
 - (g) the community council (if any),
 - (h) any body which has been established by a local authority, whether formally or informally, for the purpose of assisting it in carrying out its functions under Part 2 of the Local Government in Scotland Act 2003,
 - (i) any other education authority that the education authority considers relevant.

Transfer from primary to secondary school

- 5 In relation to a proposal specified in paragraph 5 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
 - (b) the parents of the pupils at any affected school,
 - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
 - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
 - (e) the staff (teaching and other) at any affected school,

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- (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
- (g) the community council (if any),
- (h) any body which has been established by a local authority, whether formally or informally, for the purpose of assisting it in carrying out its functions under Part 2 of the Local Government in Scotland Act 2003,
- (i) any other education authority that the education authority considers relevant.

Primary school commencement date

- 6 In relation to a proposal specified in paragraph 6 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
 - (b) the parents of the pupils at any affected school,
 - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
 - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
 - (e) the staff (teaching and other) at any affected school,
 - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
 - (g) any other education authority that the education authority considers relevant.

Special class outwith a special school

- 7 In relation to a proposal specified in paragraph 7 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
 - (b) the parents of the pupils at any affected school,
 - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
 - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
 - (e) the staff (teaching and other) at any affected school,
 - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
 - (g) any other education authority that the education authority considers relevant.

Transport to denominational school

- 8 In relation to a proposal specified in paragraph 8 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
 - (b) the parents of the pupils at any affected school,
 - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
 - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
 - (e) the staff (teaching and other) at any affected school,

- (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
- (g) any other education authority that the education authority considers relevant.

Changing from denominational to non-denominational school

- 9 In relation to a proposal specified in paragraph 9 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any affected school,
 - (b) the parents of the pupils at any affected school,
 - (c) the parents of any children expected by the education authority to attend any affected school within two years of the date of publication of the proposal paper,
 - (d) the pupils at any affected school (in so far as the education authority considers them to be of a suitable age and maturity),
 - (e) the staff (teaching and other) at any affected school,
 - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
 - (g) any other education authority that the education authority considers relevant.

Discontinuance of a further education centre

- 10 In relation to a proposal specified in paragraph 10 of schedule 1, the consultees are—
- (a) the Parent Council or Combined Parent Council of any school at which the pupils who attend the further education centre also attend,
 - (b) the parents of the pupils of school age attending the centre,
 - (c) the parents of any pupils expected by the education authority to attend the centre within two years of the date of publication of the proposal paper,
 - (d) the pupils attending the centre (in so far as the education authority considers them to be of a suitable age and maturity),
 - (e) the staff (teaching and other) of any school at which the pupils who attend the further education centre also attend,
 - (f) any trade union which appears to the education authority to be representative of the persons mentioned in sub-paragraph (e),
 - (g) the community council (if any),
 - (h) any body which has been established by a local authority, whether formally or informally, for the purpose of assisting it in carrying out its functions under Part 2 of the Local Government in Scotland Act 2003,
 - (i) the staff (teaching and other) at the centre,
 - (j) the students attending the centre,
 - (k) the employers of any such students,
 - (l) any other users of the centre that the education authority considers relevant.

Gaelic consultee

- 11 In relation to any proposal mentioned above which affects the provision of Gaelic medium education, Bòrd na Gàidhlig is also a consultee.

Status: This is the original version (as it was originally enacted).

Denominational consultee

- 12 In relation to any proposal mentioned above which affects a denominational school, also a consultee is the person duly authorised for the purpose by the church or denominational body in whose interest the affected school is conducted.

Meaning of expressions used in this schedule

- 13 In this schedule—
- “community council” is one established by a local authority under Part IV of the Local Government (Scotland) Act 1973 (c. 65),
 - “Parent Council” and “Combined Parent Council” means one established in accordance with sections 6 and 16 respectively of the Scottish Schools (Parental Involvement) Act 2006 (asp 8).

SCHEDULE 3

(introduced by section 18)

ANCILLARY PROVISION

Modification of enactments

- 1 (1) In section 22 (discontinuance and moves of educational establishments) of the 1980 Act—
- (a) in subsection (4), for the words “sections 22A, 22B, 22C and 22D of this Act” in the first place where they occur substitute “sections 22C and 22D of this Act and the Schools (Consultation) (Scotland) Act 2010 (asp 2)”,
 - (b) in proviso (ii) to that subsection, for the words “sections 22A, 22B, 22C and 22D of this Act” substitute “sections 22C and 22D of this Act and the Schools (Consultation) (Scotland) Act 2010 (asp 2)”.
- (2) Sections 22A and 22B of the 1980 Act are repealed.
- 2 In the Local Government etc. (Scotland) Act 1994 (c. 39), section 143 is repealed.

Transitional, transitory and saving provision

- 3 (1) Sub-paragraphs (2) to (5) apply to any relevant proposal if—
- (a) a consultation on the proposal has been initiated (and is in progress), or has been carried out, by an education authority—
 - (i) under the 1981 Regulations and section 22A of the 1980 Act, and
 - (ii) before commencement of this paragraph, and
 - (b) no final decision to implement the proposal has been made before commencement of this paragraph.
- (2) The education authority may not proceed with the proposal unless the consultation consists of (or includes) the matters provided for in sections 1 to 10 so far as relevant in relation to the proposal.
- (3) Section 11 applies in relation to the proposal.
- (4) In the case of a closure proposal as respects a rural school—

Status: This is the original version (as it was originally enacted).

- (a) where applicable—
 - (i) if the proposal paper has not yet been published, the paper must (whenever published) additionally explain the extent to which the education authority has, up to that stage, taken account of the matters provided for in section 12(2) to (5),
 - (ii) if the consultation report has not yet been published, the report must (whenever published) additionally explain the extent to which the education authority has, at any (or any other) stage, taken account of the matters provided for in section 12(2) to (5),
 - (b) at any time when the education authority is deciding whether to implement the proposal, section 12(2) to (5) applies in relation to the proposal.
- (5) In the case of any closure proposal, if at any time the education authority decides to implement the proposal, sections 15 to 17 apply in relation to the proposal.
- 4 (1) Sub-paragraph (2) applies to a relevant proposal if—
- (a) a consultation on the proposal has been carried out by an education authority—
 - (i) under the 1981 Regulations and section 22A of the 1980 Act, and
 - (ii) before the commencement of this paragraph, and
 - (b) the final decision to implement the proposal has been made before commencement of this paragraph.
- (2) The education authority may proceed further with the proposal except in the circumstances mentioned in sub-paragraph (3) or (4).
- (3) The circumstances are where the authority modifies the proposal in a material way.
- (4) The circumstances are where—
- (a) in accordance with section 22B of the 1980 Act, the proposal requires the consent of the Scottish Ministers, and
 - (b) that consent—
 - (i) has not yet been given, or
 - (ii) is, or has been, refused.
- 5 Despite paragraph 1(2)—
- (a) to the extent required for the purposes of paragraph 3, the 1981 Regulations and section 22A of the 1980 Act continue to operate as they did immediately before the commencement of this paragraph, and
 - (b) to the extent required for the purposes of paragraph 4, the 1981 Regulations and section 22A of the 1980 Act, and section 22B of that Act, continue to operate as they did immediately before the commencement of this paragraph.
- 6 (1) In paragraph 3(2), the reference to proceeding with the proposal is to—
- (a) deciding to implement it (wholly or partly), or
 - (b) implementing it (wholly or partly).
- (2) In paragraph 4(2), the reference to proceeding further with the proposal is to implementing it (wholly or partly).
- (3) In this schedule, “the 1981 Regulations” are the Education (Publication and Consultation Etc.) (Scotland) Regulations 1981 (S.I.1981/1558).